

Dos and Don'ts for Campaigners and Authorized Representatives

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I. CAMPAIGNERS (CAMPAIGN WORKERS AND CANDIDATES)

1. Campaigners **must be** and **stay** at least 40 feet away from **any entrance** to the building in which the polling place is located. This 40-foot "campaign-free" zone is referred to as the "Prohibited Area." Restrictions which apply to the Prohibited Area also apply to the polling place itself. If the electoral board allows campaigning within the building containing the polling place, all such activities must take place at least 40 feet from any entrance to the room where voting activities are being conducted. Code of Virginia, §§ 24.2-604 & 24.2-310.
2. There is no limit to the number of campaigners allowed outside of the Prohibited Area. § 24.2-604.
3. Campaigners **cannot** hinder or delay a person from entering or leaving a polling place. § 24.2-604.
4. Loudspeakers **cannot** be used within 300 feet of any polling place. § 24.2-605.
5. Campaign materials, including sample ballots, may be distributed on Election Day on the property on which a polling place is located and outside of the Prohibited Area. §§ 24.2-310(E), 24.2-604. Only the electoral board may approve exceptions in the limited circumstances described in § 24.2-310(E).
6. Campaign signs/posters may not be posted inside the Prohibited Area or polling place. Whether signs/posters can be posted outside of the Prohibited Area may be subject to the management policies of the property, or local ordinance. (For example, a private organization may be willing to have its building serve as a polling place, but does not allow placement of sign posts in its lawn.)

7. **Sample Ballots:**

- a. On sample ballots, any official authority statement of a local electoral board or the State Board of Elections must be deleted, and replaced with the publishing candidate's or group's authority statement (or "disclaimer"). § 24.2-622.
 - b. For federal offices, the disclaimer required by federal law must be used. For all other offices, the required identification on campaign material is specified in the Code of Virginia. For details, see the State Board of Elections website or call SBE.
 - c. Samples of any ballot (or part of a ballot) **cannot** be printed on any shade of **white or yellow** paper and **must** contain the words "SAMPLE BALLOT" in type no smaller than twenty-four point. § 24.2-622.
 - d. The voter is allowed to carry sample ballots and campaign material into the polling place but **must not display** them to other voters. §§ 24.2-622, 24.2-604.
8. No officer of election shall sign or otherwise mark any paper, form, or item, other than one furnished by the State Board, his electoral board, or general registrar, at his polling place during the hours that the polls are open. § 24.2-650.

II. **PARTY AND CANDIDATE AUTHORIZED REPRESENTATIVES ON ELECTION DAY** **(General Information and Requirements)**

1. In a **primary** election, each **primary candidate** on the ballot in that election is entitled to representation, as discussed below, before, during and after the election.

In a **general election or special election** each **political party** with one or more nominees on the ballot in that election is entitled to representation (even if the nominees are running for local offices for which party names are not listed on the ballot).^a

In a **general election or special election** each **independent candidate** on the ballot in that election is entitled to representation.

Write-in candidates are not entitled to representatives at any time, but they or their supporters may be able to witness the counting of votes in the precinct after the polls close (as chosen "bystanders"). See section V below and § 24.2-655.

2. The chairman of the political party or the independent/primary candidate entitled to representatives, as appropriate, must provide a notice of authorization. The notice should be done by one of the following methods:
- a. Provide, at least 5 days prior to the election, a list of authorized representatives for each precinct to the local electoral board; or
 - b. Provide a list of the authorized representatives for the precinct to the chief officer of election at the polling place; or

^a The political organizations which currently meet the definition of a "political party" under Virginia state law (§ 24.2-101) -- and therefore entitled to party representation inside the polls during elections in which they have a nominee on the ballot -- are the Democratic Party and the Republican Party. Other groups may qualify to put their names on the ballot beside names of their candidates, but are not entitled to representatives.

- c. Provide each authorized representative with a letter (or copy) signed by the party chairman or the independent/primary candidate. The representative **must** give this letter (or copy) to the chief officer of election at the polling place.

III. AUTHORIZED REPRESENTATIVES BEFORE POLLS OPEN (§ 24.2-639)

1. Before opening the polls, each officer shall examine the equipment and see that no vote has been cast and that the counters register zero. The officers shall conduct their examination in the presence of the party and candidate representatives (if present) See § 24.2-639 for additional procedures before the polls open.
2. Number of Authorized Representatives Permitted in Polling Place Before Polls Open
 - a. **General and Special Elections**
 - i. **One** authorized representative of each political party with a nominee on the ballot in that election
 - ii. **One** authorized representative of each independent candidate on the ballot in that election
 - b. **Primary Elections**
 - i. **One** authorized representative of each primary candidate on the ballot in that election
3. Representative **must be** a qualified Virginia voter.^b
4. Representative **must** have a written statement (or copy) signed by the party chairman or the independent candidate he represents. This statement (or copy) should be presented to the chief officer of election if not presented previously (see section II above). The written statement is not required if the candidate or party chairman is serving as the representative.

IV. AUTHORIZED REPRESENTATIVES WHILE POLLS ARE OPEN (§ 24.2-604)

1. Quantity and Qualifications for Authorized Representatives:
 - a. The officers of election, at their discretion, may allow a maximum of **three** authorized representatives from each political party with a nominee on the ballot in that election and three from each independent or primary candidate on the ballot in that election when the pollbook has less than three divisions/stations.
 - b. When the pollbook is divided (or there are multiple electronic pollbook stations), **one** representative from each party and **one** from each independent/primary candidate **must be allowed** for each pollbook division/station.
 - c. A representative **must be** a qualified Virginia voter.^c
 - d. The representative **cannot** be the candidate.^d
2. Representatives may stay all day **or** they may come and go in shifts as determined by

^b Updated 7/1/2010. See § 24.2-639.

^c Updated 7/1/2010. See § 24.2-604.

^d Please reference § 24.2-604(F) for candidates in the polling place on Election Day.

the party or independent/primary candidate.

3. The representative **cannot** sit at the registration table with the officers of election but must be placed behind the registration table in a position that enables him to see and hear the voting process. The Chief Officer may limit the authorized representative to the area near the check-in table. A separate table that voters are directed to for the purpose of completing the provisional voting materials is not considered a check-in table. The representative has a right to immediately appeal to the local electoral board if he is unable to observe the process.
4. It is unlawful for any authorized representative to be in a position to see the marked ballot of any other voter.
5. The representative **cannot** in any way hinder or delay a voter or officer of election.
6. The representative **cannot** insult or abuse an officer of election nor conduct him/herself in a noisy or riotous manner.
7. The representative **cannot** give, offer or show any ballot, ticket or other campaign material.
8. The representative **cannot** influence any person in casting his ballot.
9. The representative **cannot** perform any type of filming or photography while inside the polling place, including the use of a camera phone to film or photograph.
10. Use of wireless electronic devices is permitted inside the polling place. However, officers of election may prohibit the use of cellular telephones or other handheld wireless communications devices if such use will hinder, intimidate, or interfere with any qualified voter from casting his/her ballot or if the use of the wireless device results in the authorized representative conducting him or herself in a noisy or riotous manner so as to disturb the election. §§ 24.2-604 and §§ 24.2-607. It is recommended that the authorized representative leave the polling place when making a phone call on his or her cellular phone.
11. A representative may mark or make his own list of those who have voted and make his own notes. An officer **cannot** provide any lists to representatives.
12. A representative may challenge a voter who is known or suspected not to be a duly qualified voter. The person challenging a voter must complete and sign a statement of challenger form stating the specific reason for the challenge. The challenged voter will be offered a written statement (page 2 of the same form) attesting to their qualifications to vote. If the voter signs the statement he or she **must be allowed** to vote. If the voter refuses to sign the statement he or she will not be allowed to vote. Challenges should not be made frivolously. §§ 24.2-607(A), 24.2-651, 42 USC 1973i(b) (federal intimidation offense).
13. The **authorized representative is prohibited from providing assistance** to any voter **or** wearing any indicator that he is available to assist any voters either inside the polling place or within 40 feet of any entrance to the polling place. The same restriction applies to any neutral observer authorized by the electoral board to be inside the polling place. § 24.2-604(C)
14. **If voter asks an officer of election to translate the ballot:**

- a. The officer must first ask any authorized representatives of the parties/candidates who are in the polling place whether they have a volunteer available who can interpret for the voter in the requested language. (If so, the representative would briefly exit the polling place to get the volunteer interpreter.) § 24.2-649(C)
 - b. If available, one interpreter per such party or candidate will be allowed to listen to the officer assist the voter.
 - c. The voter may choose one of the interpreters to assist instead of the officer. The newly designated assistant must be qualified to assist (see below) and complete a new assistance form accordingly.
 - d. The *Request for Assistance* form must be completed by the voter and assistant.
 - e. Any party/candidate interpreter(s) must complete Part C of the form stating that the interpreter will not attempt to influence the voter's vote or reveal how the voter votes.
15. The officers of election have the authority to remove any person interfering with the voting process, and have broad discretion to manage affairs within the polling place. §§ 24.2-604, 24.2-607.

V. REPRESENTATIVES AT CLOSE OF POLLS (§ 24.2-655)

- 1. Quantity and Qualifications for Authorized Representatives:
 - a. Each political party with a nominee on the ballot in that election may have **two** representatives and an independent/primary candidate on the ballot in that election may have **one** representative at the polling place to witness the counting of ballots and ascertainment of results.
 - b. Again, the representative **must be** a qualified Virginia voter.^e
 - c. Representative **must** have a written statement (or copy) signed by his party chairman or the independent candidate he represents. This statement (or copy) should be presented to the chief officer of election if not presented previously (see section II above).
 - d. This representative **may be** the candidate or someone other than the representatives used while the polls are open.
- 2. After the polls are closed, if there are fewer than four authorized representatives (in total) at the polling place who request to be present while the votes are ascertained, the officers shall notify any **bystanders**, and select one or more bystanders to be present with any representatives so that there are as many as **four (total) bystanders and representatives** present during the count. The law limits the number of authorized representatives after the polls close to two from each political party having candidates in the election and one from each independent candidate or primary candidate. (§ 24.2-655).
 - a. A person who wants to watch the counting as a bystander is advised to let the chief officer of election know, before the polls close, that he or she will be waiting outside the polling place (and outside the 40 foot prohibited area)

^e Updated 7/1/2010. See § 24.2-655.

immediately after the polls close in case there are fewer than four authorized representatives.

- b. There are no qualifications in the Code for the "bystanders" so, for example, a bystander may be selected who is not a registered Virginia voter (a requirement for all representatives).
 - c. **Write-in candidates** in general or special elections are not entitled to representatives at any time, but may use the bystander provision to get their observers into the polling place during the count if there are fewer than four authorized representatives at the polling place after the polls close.
3. The representatives and bystanders present **cannot** leave until the final results are ascertained and the chief officer of election has opened the doors and announced the results of the election, and may not communicate with any person outside the polling place by any means during the counting and ascertainment. **There are no exceptions to this rule.**
 4. Representatives and bystanders present may witness the counting and ascertainment of results but **may not** touch or handle any ballot, voting machine or official document.
 5. The representatives and bystanders present shall have an unobstructed view of the officers of election and their actions as the votes are counted and the returns are completed, and may make their own notes during the counting and ascertainment.

VI. REPORTING ALLEGED ELECTION DAY PROBLEMS

Any alleged voting discrepancies should be reported to the chief or assistant chief officer of election, the local electoral board and/or the State Board of Elections **at the time they occur**. If complaints are received at the time they occur corrective action, if necessary, can be taken. If reports are not made until the election is completed there is little, if anything, that can be done to remedy the situation.

VII. WHAT HAPPENS AFTER ELECTION DAY

1. On election night, the local registrar's office will post UNOFFICIAL results to the State Board of Elections website (www.sbe.virginia.gov). After Election Day, any corrections, additions or changes to these unofficial results (for example, when provisional ballot determinations are made) will be explained in the notes on the website.
2. **The electoral board for the city or county will meet on the day after the election** to canvass the results of the election (§§ 24.2-671 through 24.2-678) and to decide the validity of each provisional ballot offered (§ 24.2-653). Please note that while the canvassing meeting is an open meeting, there are restrictions on who may be present during the electoral board's meeting on provisional ballots. 24.2-655

The Canvass:

3. In a **general or special election**, each political party with a nominee on the ballot and each independent candidate on the ballot; or in a **primary**, each primary candidate on the ballot shall be entitled to have representatives present when the local electoral board meets to ascertain the results of the election.
 - a. Each such party and candidate shall be entitled to have at least as many

representatives present as there are **teams** of officials working to ascertain the results, and the room in which the local electoral board meets shall be of sufficient size and configuration to allow the representatives reasonable access and proximity to view the ballots as the teams of officials work to ascertain the results.

- b. The representatives and observers lawfully present shall be prohibited from interfering with the officials in any way.
 - c. TIP: Authorization letters are not required for representatives at the canvass, but may be provided, at the option of the authorizing party chairman or independent/primary candidate.
- 4. The local electoral board certifies the winners for locally elected offices, and reports the county's or city's results for federal, statewide, general assembly, and shared offices to the State Board of Elections, which certifies those winners in a public meeting.
 - 5. The **canvass** is a public, open meeting of the electoral board. Anyone may attend; however, there are special provisions for party/candidate representation.

The Provisional Ballot Determination Meeting:

- 6. Voters who cast provisional ballots may present evidence to the board. The provisional ballot meeting may be adjourned from day to day if necessary up to seven calendar days after the election. The canvass cannot be completed until the Electoral Board has reached a decision on every provisional ballot. Then the valid provisional ballots are counted by the board and added to the locality's results as if a separate precinct.
 - a. A decision on provisional ballots cast due to lack of identification may have to be postponed until after the deadline to provide the necessary ID (Friday following the election at noon). §§ 24.2-643 & 24.2-653
- 7. Notwithstanding the provisions of Virginia's FOIA law (§ 2.2-3700 et seq.), only the following are entitled to representation during the **provisional ballot meeting**:
 - a. In a **general or special election**, one representative of each political party with a nominee on the ballot in that election; one representative of each independent candidate on the ballot in that election;
 - b. In a **primary election**, one representative of each primary candidate on the ballot in that election.
 - c. In **all elections**, the individual whose provisional vote is being considered and the individual's representative or legal counsel; and appropriate staff and legal counsel for the electoral board.
 - d. Representatives (except for the candidate or party chairman) shall present to the electoral board a written statement designating him to be a representative of the party or candidate signed by the chairman of the political party, independent candidate, or the primary candidate, if applicable. The statement must bear the original signature of the chair or candidate, as appropriate. A photocopied statement is acceptable. § 24.2-653(B)
- 8. Appropriate staff and legal counsel for the electoral board may be present when the

electoral board is conducting its Provisional Ballot Determination Meeting. 24.2-653(B)

9. Representative may not impede the orderly conduct of the determination.
10. Representative may not participate during the provisional ballots determination meeting, as they serve only as observers.
11. Please note that provisional ballot logs, provisional votes pollbooks or other official lists of provisional voters cannot be released or made available for inspection by a local general registrar, electoral board member, or officer of election. §§ 24.2-406, 24.2-407, 24.2-444; 42 USC 15482(a)(5). Lists of persons voting in elections can be purchased from the State Board of Elections as provided in § 24.2-406.

The next page contains a one-page summary of the information detailed above. This summary is also available as a separate document on the SBE website. If you have any additional questions about election laws or procedures, call the State Board of Elections, or contact your city or county's General Registrar or Electoral Board.

GUIDELINES FOR CAMPAIGNERS AND AUTHORIZED REPRESENTATIVES (REPS)

§§ 24.2-310, 24.2-604, 24.2-607, 24.2-622, 24.2-639 AND 24.2-655 of the Code of Virginia

CAMPAIGNERS (INCLUDES CANDIDATE) - OUTSIDE POLLING PLACE AND PROHIBITED AREA

- ➔ **MUST BE OUTSIDE** 40 feet of **ANY** entrance to the building in which voting takes place . Only electoral board can authorize limited exceptions.
- ➔ **NO LIMIT** to the number of campaigners allowed **OUTSIDE** the polling place and prohibited area.
- ➔ **CANNOT HINDER** or **DELAY** a person from entering or leaving a polling place.
- ➔ **LOUDSPEAKERS CANNOT** be used within 300 feet of any polling place.
- ➔ **CAMPAIGN MATERIAL**, including **SAMPLE BALLOTS**:
 - must be distributed **OUTSIDE** the polling place and prohibited area.
 - must contain a statement indicating **WHO PAID FOR/AUTHORIZED** the printing (see SBE website, Campaign Finance)
 - subject to a civil fine for failure to properly identify any campaign material
- ➔ **SAMPLES** of any "Ballot" **CANNOT** be printed on white or yellow paper **and MUST** contain the words **SAMPLE BALLOT**.

AUTHORIZED REPRESENTATIVES (REPS) - INSIDE POLLING PLACE AND PROHIBITED AREA

- ◆ **MUST** be a qualified Virginia voter.
- ◆ **MUST** present to the chief officer of election a "letter of authorization" signed by the independent or primary candidate or party chair entitled to representation (see below) if list of REPs not previously provided. A copy of the signed "letter of authorization" is acceptable.
- ◆ **NO CAMPAIGNING** is permitted by anyone **INSIDE** the polling place building without electoral board exception.
- ◆ **CANNOT HINDER** or **DELAY** any officer of election or voter.
- ◆ **CANNOT SIT** at the check-in table with officer of election but must be positioned to see the check-in table and what is occurring. (REP may appeal to the local electoral board if dissatisfied with the Chief Officer's decision on placement.)
- ◆ **MAY** create their **OWN LIST OF VOTERS & MARK OWN LIST** (an officer **CANNOT** provide any list to **REPS**).
- ◆ **CANNOT** provide assistance to any voter or wear any indicator that he is available to assist any voter inside the polling place or within 40 feet of any entrance to the polling place.
- ◆ Officers of election **HAVE AUTHORITY TO REMOVE** any representative who does not adhere to above guidelines.

BEFORE POLLS OPEN § 24.2-639	WHILE POLLS ARE OPEN § 24.2-604	AFTER POLLS CLOSE § 24.2-655
<p>One REP of each political party having a <i>nominee</i> on the ballot in this election</p> <p>One REP of each independent candidate on the ballot in this election (or in a primary, each primary candidate on the ballot) [MAY be the candidate]</p>	<p>CANDIDATES may enter polling places only to vote, or to visit for NO LONGER than ten (10) minutes per day per polling place</p> <p>For each pollbook in use in the precinct:</p> <ul style="list-style-type: none"> • One REP of each political party having a <i>nominee</i> on the ballot in this election • One REP of each independent candidate on the ballot in this election (or in a primary, each primary candidate on the ballot) [CANNOT be the candidate] <p style="text-align: center;">***</p> <p>If less than three (3) pollbooks in use, the Officers of Election, at their discretion, may allow a maximum of three REPS whether or not the pollbook is divided.</p>	<p>Two REPS of each political party having a <i>nominee</i> on the ballot in this election</p> <p>One REP of each independent candidate on the ballot in this election (or in a primary, each primary candidate on the ballot) [MAY be the candidate]</p> <p style="text-align: center;">***</p> <p>The representative CANNOT LEAVE the polling place nor RELAY IN ANY MANNER the results of the election until AFTER final results are ascertained and Chief Officer of Election has opened doors and announced the results. There are NO exceptions to this rule.</p> <p>Representatives may witness the counting and ascertainment of results and make their own notes but MAY NOT touch or handle any ballot, voting equipment or official document, or interfere in any manner.</p>